

The Hon. Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

NO. CR18-226-RSL

Plaintiff,

V.

LEO M. DICKERSON.

PRELIMINARY ORDER OF FORFEITURE

Defendant

THIS MATTER comes before the Court on the United States' Motion for Entry of a Preliminary Order of Forfeiture seeking to forfeit to the United States Defendant Leo M. Dickerson's interest in the following property that was seized on or about July 17, 2018, in Tacoma, Washington:

1. One Glock 26 9mm handgun bearing serial number BARU497;
2. One drum magazine loaded with 50 rounds of 9mm caliber ammunition;
3. One magazine loaded with 14 rounds of 9mm caliber ammunition; and
4. One magazine loaded with 9 rounds of 9mm caliber ammunition.

The Court, having reviewed the papers and pleadings filed in this matter, hereby FINDS that entry of a Preliminary Order of Forfeiture is appropriate because of the following:

1 • The Defendant was charged by a Superseding Information that included
2 forfeiture allegations providing notice that, pursuant to 18 U.S.C.
3 § 942(d)(1) and 28 U.S.C. § 2461(c), the United States was seeking the
4 forfeiture of any firearms or ammunition involved or used in any knowing
5 violation of 18 U.S.C. § 922(g), including but not limited to the above-
6 identified property (Dkt. No. 47 at 2);
7 • The Defendant agreed, pursuant to the Plea Agreement he entered on
8 February 5, 2019, to forfeit his interest in the above-identified property,
9 (Dkt. No. 49, ¶ 12); and
10 • The evidence in the record has established the requisite nexus between the
11 above-identified property and the offense of conviction, pursuant to Federal
12 Rule of Criminal Procedure (“Fed. R. Crim. P.”) 32.2(b)(1)(B).

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14 NOW, THEREFORE, THE COURT ORDERS:

15 1) Pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), the Defendant’s
16 interest in the above-identified property is fully and finally forfeited, in its entirety, to the
17 United States;

18 2) Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will
19 be final as to the Defendant at the time he is sentenced; it will be made part of the
20 sentence; and it will be included in the judgment;

21 3) The United States Department of Justice, and/or its authorized agents or
22 representatives, shall maintain the above-identified property in its custody and control
23 until further order of this Court;

24 4) Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the
25 United States shall publish notice of this Preliminary Order and its intent to dispose of the
26 property as permitted by governing law. The notice shall be posted on an official
27 government website—currently www.forfeiture.gov—for at least 30 days. For any
28 person known to have alleged an interest in the property, the United States shall also, to

1 the extent possible, provide direct written notice to that person. The notice shall state that
2 any person, other than the Defendant, who has or claims a legal interest in the property
3 must file a petition with the Court within 60 days of the first day of publication of the
4 notice (which is 30 days from the last day of publication), or within 30 days of receipt of
5 direct written notice, whichever is earlier. The notice shall advise all interested persons
6 that the petition:

- 7 a. shall be for a hearing to adjudicate the validity of the petitioner's alleged
8 interest in the property;
- 9 b. shall be signed by the petitioner under penalty of perjury; and
- 10 c. shall set forth the nature and extent of the petitioner's right, title or interest
11 in the property, as well as any facts supporting the petitioner's claim and
12 the specific relief sought;

13 5) If no third-party petition is filed within the allowable time period, the
14 United States shall have clear title to the property, and this Preliminary Order shall
15 become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

16 6) If a third-party petition is filed, upon a showing that discovery is necessary
17 to resolve factual issues presented by that petition, discovery may be conducted in
18 accordance with the Federal Rules of Civil Procedure before any hearing is conducted on
19 the petition. Following adjudication of any third-party petitions, the Court will enter a
20 Final Order of Forfeiture, pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n),
21 reflecting that adjudication; and

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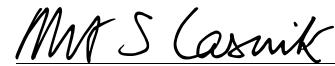
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1 7) The Court will retain jurisdiction for the purpose of enforcing this
2 Preliminary Order, adjudicating any third-party petitions, entering a Final Order of
3 Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to
4 Fed. R. Crim. P. 32.2(e).

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6 IT IS SO ORDERED.

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8 DATED this 22nd day of February, 2019.

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12 Robert S. Lasnik
13 United States District Judge
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Presented by:

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